



DEPARTMENT OF LAW
OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

*Opinion
file*

BRUCE E. SABBITT
ATTORNEY GENERAL

December 13, 1977

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ARIZONA ATTORNEY GENERAL

The Honorable Burton S. Barr
Arizona State Representative
State Capitol, House Wing
Phoenix, Arizona 85007

Re: 77-233 (R76-264)

Dear Representative Barr:

We are writing in response to your request for an opinion on the following:

Does Section 32-1426, Arizona Revised Statutes, permit the granting of more than one temporary license and renewal thereof to an individual, if the individual is otherwise qualified to receive the temporary license pursuant to Section 32-1426.A and A.1, and if the Board has determined at the time of a subsequent request for a temporary license that either a local emergency exists or that there is a lack of availability of adequate medical care in an Arizona community?

In our opinion the answer is "no".

Arizona Revised Statutes § 32-1426 is that singular provision of the Arizona Medical Practice Act relating to the issuance of a temporary license to practice medicine. Its format is comprehensive and tripartite in nature. Subsection A specifies the qualifications applicable to applicants for a temporary license. Subsection B designates the conditions prerequisite to the issuance of such a license. Subsection C delimits the term of the license.

Utilizing this schematic, the question posed is whether, assuming conformance with subsections A and B, subsection C permits the issuance of more than one temporary license and renewal thereof per applicant.

In this regard, subsection C states:

Temporary licenses may be issued for a term of no longer than six months renewable for no more than one additional term of six months and shall expire upon the occurrence of the first to happen of the following events:

1. Termination, in the opinion of the board, of the local or national emergency.
2. Termination, in the opinion of the board, of the lack of availability of adequate medical care in the Arizona community concerned.
3. Expiration of the term, and the renewal thereof, if any, for which the temporary license was issued.
4. Issuance of a regular license to practice medicine or becoming eligible for exemption therefrom pursuant to paragraph 7 of § 32-1421.

It appears that subsection C of A.R.S. § 32-1426 prevents the board from granting more than one renewal of a temporary license. This is true whether an emergency exists or there is a lack of adequate medical care in an Arizona community. The four items listed in subsection C (which include situations involving an emergency and a lack of adequate medical care) do not permit more than one renewal; rather, they limit the length of the temporary license or its renewal.¹ If we were to read the four items otherwise, there would have been no need for the Legislature to specify a six-month term and only one renewal.

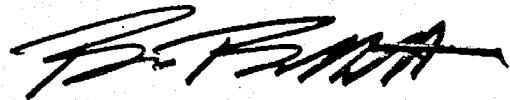
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1. While we can only speculate, it seems that the Legislature opted for not permitting a person to practice medicine if that person could not meet the requirements for obtaining a regular license after 12 months, and this despite the existence of the emergency or lack of available medical care.

Representative
Burton S. Barr

3.

December 13, 1977

Very truly yours,

A handwritten signature in dark ink, appearing to read "B. E. Babbitt", with a stylized, sweeping flourish at the end.

BRUCE E. BABBITT
Attorney General

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